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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,110	08/22/2003	Gerard E. Moy		8430

7590

08/10/2005

Gerard E. Moy
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EXAMINER

JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/646,110	MOY, GERARD E.	
	Examiner	Art Unit	
	Jerrold Johnson	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10,12,13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 should read "attached to one of the lateral sides of the inner surface..." as the protrusion cannot be attached to all of the sides.

Claims 12 and 13, "fixed partitions" should be replaced by "at least one fixed partition."

Claim 17 should depend from claim 16 and is being examined as such.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-3,5,6,11-14,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Krayner, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897.

Leinhop discloses a storage box system 1 comprising a generally rectangular box 2, a flat lid 3, releasable means (not identified) and at least one fixed partition.

Leinhop does not disclose hanging means or hangers for supporting the storage box along the bars of a hanging filing system.

Krayner discloses the use of hanging means or hangers disposed on the lateral sides of a storage box. In this design patent, the storage box is shown without its cover, but on the Steelcase website the cover is provided with the storage box.

Fowler teaches the same hanging means as the current application. The hanging means extend from the outer surface of the left and right sidewalls of the device, and include a depression in the lower edge thereof.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the storage box of Leinhop with the teaching of using hanging means or hangers as taught by Krayner so that the storage box can be stored within a hanging file system. It further would have been obvious to have modified the storage box of Leinhop with hanging means or hangers of the shape as taught by Fowler, as such a shape enhances the rigidity of the hanger as well as provides a secure engagement with hanging rods of a hanging file system.

Re claim 2, Leinhop shows this clasp configuration.

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Re claim 3, Fowler shows this configuration.

Re claim 5, Fowler shows two hangers in an orientation where more than two could be used.

Re claim 6, Fowler shows this configuration.

Re claim 11, the storage box of Leinhop is suitable for the claimed intended uses.

Re claim 12 and 13, Leinhop shows these configurations in Fig. 1 (claim 12) and on the front page of the patent (claim 13).

Re claim 14, see Leinhop Fig. 1.

Re claim 16 and 18, see above.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Krayner, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897 and further in view of Ong US 5,971,166.

Leinhop in view of Krayner and Fowler only teaches two hangers. Fowler, however does show a hanger which is of a sufficiently small size in thickness so that more than one hanger could be used on the sidewall of the storage box of Leinhop.

The duplication of parts is not typically patentably significant unless a new and unexpected result occurs. See MPEP 2144.04. In the present application, no such unexpected result occurs.

Additionally, Ong teaches how four hangers can be used instead of two to support a storage box on a hanging file system.

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Accordingly, it would have been obvious to one of ordinary skill in the art to increase the number of hangers from two to four so that a greater weight could be stored in the storage box without damaging the hangers.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Kraye, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897 and further in view of Examiner Official Notice.

Leinhop in view of Kraye, Jr. and Fowler does not disclose labeling means.

Labeling means of many types including adhesive backed labels and roughened panels suitable for receiving writing are both old and well known in plastic storage containers.

It would have been obvious to one of ordinary skill in the art to modify the storage box of Leinhop in view of Kraye, Jr. and Fowler with labeling means so that the content or ownership of the storage box could be identified by the user.

Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leinhop US 5,944,532 in view of Kraye, Jr. et al. Des 369,621 and Fowler et al. US 4,860,897 and further in view of White Jr. et al US Des. 259,154 and Chen US 5,826,719.

Leinhop does not disclose removable partitions.

Removable partitions are commonly known in storage boxes of the type disclosed by Leinhop.

White discloses a storage box where the fixed partitions are configured to receive removable partitions in one of the common configurations of storage boxes of this type.

Chen discloses the claimed structure of removable partitions of rectangular shape having slightly larger cross-sectional members integrally attached to the lateral edges being received in opposed slots of essentially the same shape as the members (See Fig. 5). The two members are integrally attached to the lateral edges of the partitions along their (the members) entire extent.

It is further noted that although the members and slots do not extend the entire length of the lateral edges, this configuration is not precisely claimed and Chen does meet the limitation. However, configurations where the members and slots extend the entire length are common in the marketplace, and are more common than the configuration shown by Chen.

Furthermore, although not found in patent form, the different configurations of the storage box (without hangers) set forth in the present application are believed by the Examiner to be within the public domain, as such storage boxes are believed to be known for a considerable period of time. Specifically, the Examiner believes that although prior art has not been submitted by the Applicant or uncovered by the Examiner teaching the exact configurations of the storage boxes (sans hangers), that the storage boxes are known and that the invention set forth in the present application is drawn to an improvement on a prior art storage box through the inclusion of hangers allowing the storage box to be hung. Accordingly, the Examiner believes that the relevant issue in the present application is not whether the claimed particulars of the

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storage box (sans hangers) define over the prior art, but whether the teachings of hangers in the prior art (particularly Krayner and Fowler) provide adequate teachings setting forth the obviousness of providing hangers to known storage boxes.

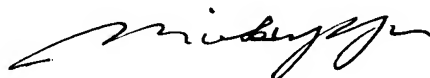
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ



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